

**REMARKS**

Claims 1-44 were pending in the present application. Claims 1-38 were withdrawn from consideration. By virtue of this response, claims 1-38 have been cancelled, claim 39 has been amended, and new claims 45-59 have been added. Accordingly, claims 39-59 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

**Rejections under 35 USC § 102(e)**

Claims 39-41 are rejected under 35 USC § 102(e) as allegedly being anticipated by Berenstein et al. (US Patent No. 6,458,119) ("Berenstein").

Applicant respectfully submits that Claim 39 requires a coating wherein the coating comprises a binding agent. The fibers (602) of Berenstein are not a coating.

Applicant submits that Claim 39 is therefore in condition for allowance. Claims 40 and 41 are dependent from Claim 39 and therefore allowable for at least the same reasons as Claim 39.

**Rejections under 35 USC § 103(a)**

Claims 42-44 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Berenstein and in view of Ritchart et al (US Patent No. 4,994,069) ("Ritchart").

The Office Action states that it would have been obvious to add the binding agent of Ritchart to the coil of Berenstein "in order to keep the coil relatively straight during its expulsion from the lumen of the catheter." (Page 4)

However, either the binding agent would not be activated in the catheter, thereby having no effect on column strength during deployment and not being a solution to the problem posed by the Office Action, or the binding agent would be active in the catheter, in which case the activated binding agent would make the device more rigid while in the catheter and reduce the ability of the device to navigate the naturally tortuous configuration of the deployed catheter.

Furthermore, one purpose of the binding agent is to allow flexibility of the device while in the catheter and during positioning at the target site, and then to rigidify the device once positioned at the target site. Use of a binding agent that would be active enough to improve column strength of the device while in the catheter would work against the flexibility during deployment and positioning.

Either way (whether activated in the catheter or not), for the reasons provided herein, the use of the binding agent is not an obvious solution to one having ordinary skill in the art to combat weak column strength during deployment of the device, as argued in the Office Action.

Applicant respectfully submits that combining the binding agent of Ritchart with the device of Berenstein is therefore not obvious to one having ordinary skill in the art. Applicant further submits that Claim 42 is therefore in condition for allowance. Claims 43 and 44 are dependent from Claim 39 and therefore allowable for at least the same reasons as Claim 42.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No.

FGRTNZ00200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



David A. Levine  
Registration No. 48,821

**Customer No. 40518**  
Levine Bagade Han LLP  
2483 East Bayshore Road, Suite 100  
Palo Alto, CA 94303  
Direct: (650) 242-4214  
Fax: (650) 284-2180